

Kevin R. Martin, SBN 176853
RANDICK O'DEA & TOOLIATOS, LLP

5000 Hopyard Road, Suite 400
Pleasanton, California 94588

Telephone: (925) 460-3700

Facsimile: (925) 460-0969

Email: kmartin@randicklaw.com

Attorneys Jamel Enterprises, LLC

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

EVERFLOW TECHNOLOGY
CORPORATION, incorporated under
the laws of the Republic of China
(Taiwan),

Plaintiff,

vs.

MILLENNIUM ELECTRONICS,
INC., a California corporation,

Defendant.

Case No.: C07-05795-JF (HRL)

**NOTICE OF MOTION AND MOTION FOR
ORDER QUASHING SUBPOENA AND FOR
EXPENSES OF MOTION**

F.R.C.P. 45(c)

Date: September 23, 2008

Time: 10:00 a.m.

Magistrate: Howard R. Lloyd

To Plaintiff EVERFLOW TECHNOLOGY CORPORATION ("EVERFLOW") and to
Mark Fang, Esq., its attorney of record:

NOTICE IS HEREBY GIVEN that, on September 23, 2008, at 10:00 a.m., or as soon
thereafter as the matter may be heard, in Courtroom 2, 5th Floor, of this court located at 280
South 1st Street, San Jose, California, Jamel Enterprises, LLC (hereinafter "JAMEL") will, and
hereby does, move for an order quashing the subpoena issued and served on Heritage Bank of
Commerce, Inc., the custodian of records, requiring the production of confidential financial
records. JAMEL will also move for an order requiring Plaintiff EVERFLOW to pay JAMEL the

PROOF OF SERVICE BY ELECTRONIC FILING SYSTEM

I, Christi Raimondi, declare:

I am employed in Alameda County, State of California, am over the age of eighteen years, and not a party to the within action. My business address is 5000 Hopyard Road, Suite 400, Pleasanton, California 94588. On the date set forth below, I served the within:

**NOTICE OF MOTION AND MOTION FOR AN ORDER QUASHING SUBPOENA
AND FOR EXPENSES OF MOTION**

electronically to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to the following CM/ECF registrants:

Mark M. Fang, Esq.
Mark Fang Attorney at Law, APC
MFang@MarkFangAPC.com
Attorney for Plaintiff Everflow Technology Corporation

Mark Figueiredo, Esq.
Structure Law Group, LLC
mrf@structurelaw.com
Attorney for Defendant Millenium Electronics, Inc.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on August 13, 2008, at Pleasanton, California.

_____/ s /_____
Christi Raimondi